

Remarks

Claims 57-80 have been added. Support for these claims is found throughout the specification, and particularly at page 7, lines 15-20; page 10, line 4, through page 13, line 20; page 20, Example 3 (line 21 et seq.), and page 45, Example 11 (line 16 et seq.)

The Amendment After Final Rejection filed January 6, 1997, and received in the U.S.PTO on January 8, 1997, was entered upon the filing of the Notice of Appeal, as per the Advisory Action mailed from the U.S.PTO on January 6, 1997.

Claims 1-3, 5-7, 9-26, 28-38, 40-56 and 57-80 are pending.

The issues for reconsideration are an objection to the specification and rejection of claims 1-3, 5-7, 9-26, 28-38 and 40-556 under 35 U.S.C. §112, first paragraph; rejection of Claims 1-3, 5-7, 10-14, 16-22, 24-26, 29-38, 41-49 and 51-56 under 35 U.S.C. §103 over Felgner in view of Hunt et al.; rejection of Claims 15 and 23 under 35 U.S.C. §103 over Felgner and Hunt et al. in view of Tang; rejection of Claims 9, 28, 40 and 50 under 35 U.S.C. §103 over Felgner and Hunt et al., further in view of Haynes; and rejection of Claims 1-7, 11-26, 30-38, 42-43 and 52-56 under the judicially created doctrine of obviousness-type double patenting.

Applicant's Attorney respectfully requests that the Examiner review and reconsider the arguments set forth in the Amendment After Final Rejection filed December 12, 1996. In particular, with regard to the rejection under 35 U.S.C. 112, first paragraph, Applicant's Attorney requests clarification of the Examiner's statement in the Office Action, made final that the model used by Applicants is not a "good" model of AIDS and HIV infection. This issue is

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discussed in the Amendment After Final Rejection at page 5 et seq.

Applicant's Attorney also requests that the Examiner review and reconsider the arguments relating to rejection of Claims under 35 U.S.C. §103, particularly the discussion of the four Graham v. John Deere factors as set forth at pages 9-17 of the Amendment After Final Rejection. Applicant's Attorney requests that the Examiner explain why these arguments, particularly those relating to secondary considerations, are not persuasive. Applicant's Attorney notes that these arguments were found persuasive in U.S. serial no.:08/009,833, to which the present application claims priority.

The rejection of Claims under the judicially created doctrine of obviousness-type double patenting will be addressed when the related application issues as a patent.

Applicant's Attorney requests an interview with the Examiner. The Examiner is invited to telephone Applicant's Attorney at (617) 861-6240 to arrange a time that is mutually convenient.

Respectfully submitted,

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